

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ***

4
5 DAVID GONZALEZ,

6 Plaintiff,

7 vs.

8 CLARK COUNTY, EX REL-THE CLARK
9 COUNTY SHERIFF'S OFFICE, SGT.
ASPIAZU, 7117, CO HOOD, #9902,

10 Defendants.
11

2:17-cv-00607-JAD-VCF

ORDER

MOTION TO COMPEL DISCOVERY (ECF No. 31)

12 Before the Court is Plaintiff David Gonzalez's Motion to Compel Discovery. (ECF No. 31). For
13 the reasons discussed below, the motion is denied without prejudice.

14 On September 13, 2017, the Court referred the case to the Inmate Early Mediation Program,
15 referred the case to the Pro Bono Program, and stayed the case "for 60 days to allow the parties an
16 opportunity to settle their dispute." (ECF No. 30). On October 3, 2017, less than 60 days later, Plaintiff
17 filed a motion to compel discovery. (ECF No. 31). Defendants opposed the motion, arguing it was filed
18 while the case was stayed. (ECF No. 32). The stay was subsequently extended to January 3, 2018. (ECF
19 No. 35). However, the case has now been removed from both the Inmate Early Mediation Program and
20 the Pro Bono Program. (ECF No. 37).

21 "It is well established that '[d]istrict courts have inherent power to control their docket,'" including
22 the authority to strike items filed in violation of a court order such as a stay. *Ready Transp., Inc. v. AAR*
23 *Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (quoting *Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc.*,
24 146 F.3d 1071, 1074 (9th Cir.1998)); *Almy v. Davis*, No. 2:12-CV-00129-JCM-VCF, 2014 WL 773813,
25

at *5 (D. Nev. Feb. 25, 2014). Rather than strike Plaintiff's motion to compel, the Court will deny it without prejudice and allow Plaintiff the opportunity to refile the motion.¹

The Court will also lift the stay in this case, as the case has now been removed from both the Inmate Early Mediation Program and the Pro Bono Program. Based on the stay in this case, the Court now extends the discovery deadlines as follows:

Discovery Cut-off February 28, 2018

Dispositive Motions

Joint Pretrial Report April 30, 2018

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Discovery (ECF No. 31) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the stay in this case is lifted.

IT IS FURTHER ORDERED that the discovery deadlines be extended as described above.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

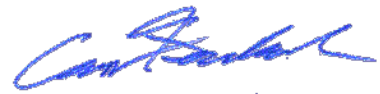
¹ This will also give Plaintiff the opportunity to address the meet and confer argument raised by Defendants in their opposition to Plaintiff's motion. (ECF No. 32).

1 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
2 454 (9th Cir. 1983).

3 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with
4 the court of any change of address. The notification must include proof of service upon each opposing
5 party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.**
6 *See* LSR 2-2.

7 IT IS SO ORDERED.

8 DATED this 13th day of November, 2017.

9 

10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25